

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RAYMOND LUMSDEN, ET AL.,

Plaintiff,

vs.

T.D.C.J. DIRECTOR LORIE DAVIS,
ET AL.,

Defendants.

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**Civil Action
No. SA-19-CA-25-OLG**

ORDER

Before the Court are the *pro se* Plaintiffs' Applications to Proceed *in forma pauperis* ("IFP") [## 2, 12-17], in this prisoner civil rights case under 42 U.S.C. § 1983. Plaintiffs are currently incarcerated at the Texas Department of Criminal Justice Correctional Institutions Division ("TDCJ-CID"). After review of Plaintiffs' IFP applications, the Court has determined that their requests to proceed IFP [## 2, 12-17] are **GRANTED**.

The United States Clerk of Court ("the U.S. Clerk") is directed to file Plaintiffs' Complaint [#1] without prepayment of fees, costs, or security, and also to mail a copy of this Order to the Texas Department of Criminal Justice Commissary and Trust Fund Department, P.O. Box 629, Huntsville, Texas 77342-0629.

Even though Plaintiffs are not required to prepay the filing fees, prisoners who bring a civil lawsuit IFP must pay an initial partial filing fee, and then pay monthly installments until the total **\$350.00** filing fee is paid in full.¹ Because the Plaintiffs are proceeding jointly, they are jointly responsible for paying the \$350 filing fee in this case. These payments will be automatically processed by Plaintiffs' custodial institution.

¹ **Error! Main Document Only.** The filing fee for any civil action, suit or proceeding is \$350.00. There is normally an administrative fee of \$50.00, however, when a prisoner is granted IFP status, the \$50.00 administrative fee is waived.

I. Initial Partial Filing Fee.

The Court is required to “assess and, when funds exist, collect,” an initial partial filing fee of “20 percent of the greater of the average monthly deposits to the prisoner’s account; or the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint.” *See* 28 U.S.C. § 1915(b)(1)(A)(B).

In this case, the Court has assessed that Plaintiffs must pay the following initial partial filing fees:

Plaintiff Raymond Lumsden (TDCJ # 2109472) shall pay an initial partial filing fee of \$21.66.

Plaintiff Jeremy Goudeau (TDCJ # 1753279) shall pay an initial partial filing fee of \$2.00.

Plaintiff Shawn Mayreis (TDCJ # 01876310) shall pay an initial partial filing fee of \$30.

Plaintiff Isaias Arellano (TDCJ # 2032533) shall pay an initial partial filing fee of \$55.

Plaintiff Jason Hendershott (TDCJ # 1659369) shall pay an initial partial filing fee of \$13.

Plaintiff Alexander Olivieri (TDCJ # 1801330) shall pay an initial partial filing fee of \$33.38.

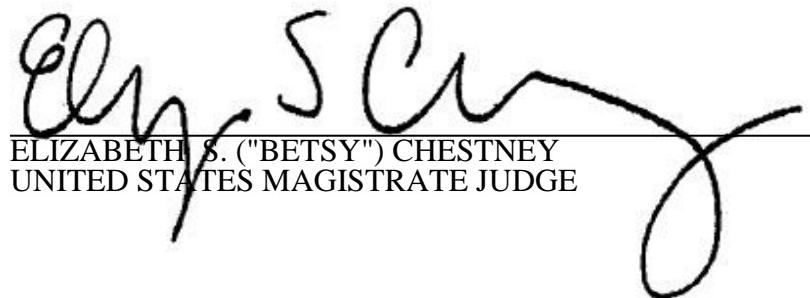
TDCJ-CID must deduct these sums from Plaintiffs’ institutional trust fund accounts and forward it to the U.S. Clerk, 655 E. César E. Chávez Boulevard, Room G65, San Antonio, Texas, 78206, referencing the case number in the style of this Order. If these funds are not immediately available, TDCJ-CID must place a hold on Plaintiff’s account, and forward the funds to the U.S. Clerk when available.

II. Remaining Filing Fee Monthly Deductions.

“After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of court each time the amount in the account exceeds \$10 until the filing fees are paid.” 28 U.S.C. § 1915(b)(2). Pursuant to § 1915(b)(2), the balance of the \$350 filing fee in this case shall be paid in monthly deductions from the Plaintiffs’ TDCJ-CID institutional trust fund accounts. Thus, TDCJ-CID must forward funds to the Court in accordance with this provision to the address and with the information that is explained in the previous paragraph.

IT IS SO ORDERED.

SIGNED this 14th day of May, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE